

REMARKS

The Examiner has rejected claim 7 under 35 U.S.C. 112, paragraph 1, in that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner asserts that the added claim limitation "said control information including location information of the at least one particular event in said input broadcast program".

Applicants submit that the Examiner is mistaken. In particular, the specification as filed on page 5, lines 12-15, states "In the case where the service provider adds information regarding the status of the event in progress to the data 13, this service provider can add extra information supplementing the information contained in the EIT tables, for example an information item regarding a start and an end of each advertisement included in an advertising slot." Applicant submits that "an information item regarding a start and an end of each advertisement" provides support for the added claim language "said control information including location information of the at least one particular event in said input broadcast program", where the term "location" refers to a position in the input broadcast program.

Applicants believe that the above explanation answers the Examiner's 35 U.S.C. 112, paragraph 1, rejection of claim 7, and respectfully requests withdrawal thereof.

The Examiner has rejected claims 7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,006,257 to Slezak. The Examiner has further rejected claims 1, 2 and 4-6 under 35 U.S.C. 103(a) as being unpatentable over Slezak in view of U.S. Patent 6,588,015 to Eyer et al. In addition, the Examiner has rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Slezak in view of Eyer et al., and further in view of U.S. Patent 7,257,132 to Akamatsu et al.

The Slezak patent discloses a multimedia architecture for interactive advertising in which secondary programming is varied based upon viewer demographics and content of primary programming, in which a user sends signals back to the service provider to affect the delivery of a streamed video program, thus enabling a fast-forward function or rewind function.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention, as claimed in claim 7, includes "A device for presenting an output broadcast program in accordance with a subscription chosen by a user, the device comprising:

"means for receiving an information signal consisting essentially of control information and an input broadcast program having at least one particular event; and

"means for selecting the particular event in dependence on said control information, said selecting means being configurable by a provider of the information signal to be responsive to the control information on the basis of the subscription chosen by the user for at least one of various durations,

"wherein said selecting means operates on said input program having at least one particular event to selectively provide the output broadcast program, the particular event being included or not included in the output broadcast program according to the subscription chosen by the user in accordance with the control information in dependence on the configuring of the selecting means by the provider according to the subscription chosen by the user."

In the current Office Action, the Examiner states:

"Slezak discloses a device for presenting an output broadcast program in accordance with a subscription chosen by a user (Figure 1, 504, Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4), the device comprising:

"means for receiving an information signal or the receiver (Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4, Figure 7, Column 9, lines 6-10) receiving an information signal consisting essentially of control information including a message and signals allowing users to choose between subscriptions and movies and information allowing a user to forward shift a video or not forward shift a video based on the subscription (Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4, Column 9, lines 6-10, 39-55, Figure 7) and an input broadcast program having at least one particular event or an advertisement (Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4, Figure 7); the control information including

location information of the at least one particular event (Column 4, lines 15-20); and

"Means for selecting the particular event in dependence on the control information, the selection means configurable by a provider of the information signal to be responsive to the control information on the basis of the subscription chosen by the user (Column 8, lines 18-39, remote control unit, keyboard, mouse, Column 3, lines 63-67, Column 4, lines 1-4, Figure 1, 504, Figure 7) for at least one of various durations as there is a pay level without commercials (the program only), discounted pay level (some commercials with the program) and a free level (more commercials with the program) (Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4, Figure 7),

"Wherein the selecting means (Column 8, lines 18-39, remote control unit, keyboard, mouse) operates on the input program having at least one particular event to selectively provide the output broadcast program (Column 8, lines 18-39, remote control unit, keyboard, mouse, Column 3, lines 63-67, Column 4, lines 1-4, Figure 7), the particular event being included or not included in the output broadcast program according to the subscription chosen by the user in accordance with the control information based on the control information or information that determines which subscription the user will select and may or may not include the particular event or advertisement (Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4, Figure 1, 5042) in dependence on the configuring of the selecting means by the provider according to the subscription chose by the user (Column 8, lines 18-39, Column 9, lines 38-56)."

Applicants submit that while this may accurately describe the apparatus of Slezak and that the desired end goal in Slezak is the same as in the subject invention, the apparatus used in the subject invention to arrive at the goal (claim 7) is patentably distinct from that described in Slezak. In particular, in the subject invention, the selecting means at the user is configured by the provider such that, depending upon the chosen subscription, the selecting means is responsive to control information sent in an information signal. The same information signal, containing the

control information and an input broadcast signal including a particular event, is sent to each of the users. Then at a particular user's location, upon receipt of the information signal, the selecting means, under control of the control information, operates on the input broadcast signal to generate an output broadcast signal which may or may not include the particular event, depending upon the chosen subscription of the user.

In Slezak, on the other hand, signals are sent to the user equipment to enable the user to choose a particular subscription, the user equipment including "switching means" enabling the user to choose the particular subscription. Then, depending on the chosen subscription, the provider transmits either a broadcast signal having the particular event, or a broadcast signal not having the particular event. As such, the same information signal is not transmitted to each user. Further, the information signal (transmitted to each user) of Slezak does not include control information ("including location information of said at least one particular event") and a broadcast signal having a particular event. Finally, at the user, the received broadcast signal is not processed by means for selecting, using the control information, to form an output broadcast signal optionally not including the particular event.

The Examiner now states:

"Slezak discloses the limitations as provided in the rejection and as stated by the attorney on Page 8. The elements recited in the claims are met by Slezak. Slezak discloses the control information including

location information of the at least one particular event (Column 4, lines 15-20).

"Slezak discloses offering a plurality of subscription and user making a choice and if the chosen subscription selectively includes an event or not; if the user is paying for the program at full cost, then advertising is not included (Column 8, lines 18-39, Column 3, lines 63-67, Column 4, lines 1-4). Slezak discloses generating an information signal which has control information consisting essentially of control information and an input broadcast program (Column 8, lines 18-39, Column 9, lines 6-10, Column 3, lines 63-67, Column 4, lines 1-4). The choice of a subscription depends on the choice of whether a user wants to view a free, less expensive or more expensive programming. The subscription defines whether a program will include a particular event (or advertisement) or not. The selection means output a program with particular event or not based on the subscription selected by the selection means (Column 8, lines 18-39, Column 9, 6-10). Slezak disclose a plurality of subscribers but does not specifically disclose each of a plurality of viewers are receiving the information signal. See rejection."

It appears to Applicants that the Examiner is completely ignoring the requirements as set forth by the CAFC, i.e., "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). While the Examiner has indicated that Slezak includes "selection means", the Examiner then goes on to identify "(Column 9, lines 20-23, Column 8, lines 18-39, remote control unit, keyboard, mouse, Column 3, lines 63-67, Column 4, lines 1-4, Figure 1,504, Figure 7). The remote control unit, keyboard, mouse, are merely used to select the desired subscription, noted in the preamble of claim 7. Quite clearly, a remote control unit, a keyboard, a mouse do not meet the limitations as set forth in claim 7, "means for selecting portions

of the input broadcast program in dependence on said control information to form the output broadcast program, said selecting means being configurable by a provider of the information signal to be responsive to the control information on the basis of the subscription chosen by the user for at least one of various durations, wherein said selecting means operates on said input broadcast program having at least one particular event to selectively provide the output broadcast program, the particular event being included or not included in the output broadcast program according to the subscription chosen by the user in accordance with the control information in dependence on the configuring of the selecting means by the provider according to the subscription chosen by the user."

Claim 3 includes the limitations "said device is configured to perform the acts of accelerated reading of a recorded program; and deactivating said accelerated reading during the particular event in respect of a specified subscription in accordance with said control information."

The Akamatsu et al. patent discloses a receiver set, information apparatus and receiving system, which includes a digital broadcast receiver, and means for recording broadcast program data. However, there is no disclosure or suggestion as to how this could operate with Slezak in order to effect the limitations of claim 3. Further, Applicants submit that Akamatsu et al. does not supply that which is missing from Slezak.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-7, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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